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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories

Report of the Secretary-General

1. The present report is submitted pursuant to General Assembly resolution 59/122 of 10 December 2004, the operative part of which reads as follows:

> "*The General Assembly*,
>
> "...
>
> "1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;
>
> "2. *Demands* that Israel accept the de jure applicability of the Convention in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;
>
> "3. *Calls upon* all High Contracting Parties to the Convention, in accordance with article 1 common to the four Geneva Conventions, and as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004, to continue to exert all efforts to ensure respect for its provisions by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;

* A/60/150.

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"4. *Reiterates* the need for speedy implementation of the relevant recommendations contained in the resolutions of its tenth emergency special session, including ES-10/15, with regard to ensuring respect by Israel, the occupying Power, for the provisions of the Convention;

"5. *Requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution."

2. On 14 July 2005, the Secretary-General addressed a note verbale to the Government of Israel, in which he requested, in view of his reporting responsibilities under the resolution, that the Government inform him of any steps it had taken or envisaged taking concerning the implementation of the relevant provisions of the resolution.

3. No reply had been received at the time of the preparation of the present report.

4. By a note verbale dated 14 July 2005 sent to all permanent missions regarding General Assembly resolutions 59/121, 59/122, 59/123, 59/124 and 59/125, the Secretary-General also drew the attention of all the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) to paragraph 3 of resolution 59/122 and paragraph 6 of resolution 59/125.

5. In response to the Secretary-General's note verbale, the Government of Lebanon provided the following information.

6. The Government of Lebanon emphasized the applicability of the Fourth Geneva Convention and the General Assembly resolutions to the Golan Heights. It also reaffirmed that the real problem lay in the refusal by Israel to comply with international law and General Assembly resolutions, and believed that the implementation of those resolutions required greater efforts from the international community and the Security Council. It requested the Quartet to urge Israel to implement resolutions aiming at ending the occupation and achieving a just and lasting peace in the region.

7. Concerning resolution 59/121, the Government of Lebanon welcomed the Special Committee's visit last year and had assisted it in implementing its mandate. It called upon the Committee to continue investigating Israeli practices in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied since 1967, and to assist in the release of Arab detainees from Israeli jails.

8. Regarding resolution 59/122 and with reference to resolution No. 6487 dated 3 March 2005, adopted by the Arab League, the Government of Lebanon called for the convening of a meeting of the High Contracting Parties to the Fourth Geneva Convention and requested the protection of the Palestinians in the occupied territories.

9. Concerning resolutions 59/123, 59/124 and 59/125, the Government of Lebanon believed that Israel was responsible for their implementation.

10. the Government of Cuba also replied to the Secretary-General's note verbale. The substance of its response is reflected in the document submitted in pursuance of Assembly resolution 59/124.